

Chapter 1. Purpose of and Need for Action

Document Structure

The Forest Service has prepared this draft environmental impact statement (DEIS) in compliance with the National Environmental Policy Act (NEPA) and other relevant Federal and State laws and regulations. This draft environmental impact statement discloses the direct, indirect, and cumulative environmental impacts that would result from the proposed action and alternatives. The document is organized as follows:

Chapter 1. Purpose of and Need for Action: The chapter includes information on the history of the project proposal, the purpose of and need for the project, and the Agency's proposal for achieving that purpose and need. This section also details how the Forest Service informed the public of the proposal and how the public responded.

Chapter 2. Alternatives, including the Proposed Action: This chapter provides a more detailed description of the Agency's proposed action as well as alternative methods for achieving the stated purpose. These alternatives were developed based on significant issues raised by the public and other agencies. This discussion also includes mitigation measures. Finally, this section provides a summary table of the environmental consequences associated with each alternative.

Chapter 3. Affected Environment and Environmental Consequences: This chapter describes the environmental effects of implementing the proposed action and other alternatives. This analysis is organized by resource topics.

Chapter 4. Consultation and Coordination: This chapter provides a list of preparers and agencies consulted during development of the draft environmental impact statement.

Glossary. A glossary of certain key terms follows chapter 4.

References Cited. References cited in the text are included here.

Index: The index provides page numbers by document topic.

Additional documentation, including more detailed analyses of project-area resources, may be found in the project planning record located at the Cibola National Forest headquarters.

Background

Roca Honda Resources, LLC (RHR) has submitted a plan of operations to the United States Forest Service proposing to develop and conduct underground uranium mining operations on their mining claims on and near Jesus Mesa (figure 1) in the Mt. Taylor Ranger District of the Cibola National Forest. The proposed mine is located within portions of Sections 9, 10, and 16, Township 13 North, Range 8 West, New Mexico Principal Meridian (figures 2 and 3). These sections are located in McKinley County, New Mexico, approximately 3 miles northwest of San Mateo and 22 miles northeast of Grants, New Mexico.

Sections 9 and 10 are National Forest System lands open to mineral entry under the General Mining Law of 1872. Section 16 is State of New Mexico land, which is not subject to the regulatory jurisdiction of the Forest Service. The proposed project also includes infrastructure in Sections 2, 11, 15, 17, 20, and unplatted lands to the north. RHR proposes a mine permit area of

1,968 acres, including 48 acres of haul roads, utility corridor, and mine dewater discharge pipeline corridor outside of Sections 9, 10 and 16. There are 183 acres of disturbance within Sections 9, 10 and 16, plus 35 acres outside those sections for a total disturbance area of 218 acres.



Figure 1. Jesus Mesa viewed from the south (Section 16) in the vicinity of the proposed Roca Honda Mine

Additional surface disturbance associated with the mine haul roads is proposed for Sections 11, 17, and 20. The Cibola National Forest has decided to prepare an EIS to assess the development of this uranium mining operation on the Mt. Taylor Ranger District.

Purpose of and Need for Action

The Federal action associated with the EIS is the Forest Service's decision on whether or not to approve the applicant's proposed plan. The Forest Service need is to respond to the plan of operations submitted by the applicant, and to decide whether to approve it as submitted, or to require further mitigation measures needed to protect other nonmineral surface resources consistent with the forest plan, Federal regulations, and other applicable laws. An additional Forest Service need is to decide whether to approve a project-specific forest plan amendment that would allow the applicant's project to deviate from the 1985 forest plan standards of management with regard to historic properties. The applicant has the right to exercise their rights under U.S. mining laws to develop and remove the mineral resources as set forth by the General Mining Law

of 1872, as amended. These laws provide that the public has a statutory right to conduct prospecting, exploration, development, and production activities (1872 Mining Law and 1897 Organic Act) provided they are reasonably incident (Multiple Use Mining Act of 1955 and case law) to mining and comply with other Federal laws.

The Forest Service has the responsibility to protect surface resources. Mining regulations state that “operations shall be conducted so as, where feasible, to minimize adverse environmental effects on National Forest System surface resources (36 CFR 228.8)” provided such regulation does not endanger or materially interfere with prospecting, mining, or processing operations or reasonably incident uses (Multiple Use Mining Act of 1955 and case law). Under 36 CFR 228.4(a) (Code of Federal Regulations) subsection 4, “If the district ranger determines that any operation is causing or will likely cause significant disturbance of surface resources, the district ranger shall notify the operator that the operator must submit a proposed plan of operations for approval and that the operations cannot be conducted until a plan of operations is approved.”

Proposed Action

RHR proposes to conduct mining operations for a period of approximately 18–19 years, including mine development, operations, and reclamation. The proposed mining operations consist of three phases:

1. **Mine Development** – This phase includes baseline data gathering, initial site development, construction, and depressurizing activities, which would be conducted to facilitate mine shaft construction. Depressurizing consists of constructing a ring of wells around the perimeter of the area of the production shafts into the Gallup, Dakota, and Westwater formations. These wells would be installed in advance of shaft construction and pumped in order to relieve the hydrostatic pressure in the formation, thus reducing the amount of water flowing into the shaft excavation as it advances through the formation. Five ventilation shafts, 8–10 feet in diameter, and two concrete-lined production shafts, 18 feet in diameter, would be constructed.

General Mining Law of 1872

Signed into law on May 10, 1872, the **General Mining Act of 1872** is a Federal statute that authorizes and governs prospecting and mining on Federal public lands for economically valuable minerals, such as gold, platinum, silver, copper, lead, zinc, tungsten, and uranium. The General Mining Act codified an informal system for obtaining and protecting mining claims on public lands pioneered by prospectors in California and Nevada from the 1840s onward. Under the act, all citizens of the United States 18 years or older have the right to locate a lode (hard rock) or placer (gravel) mining claim on those Federal lands that are open to mineral entry. These claims may be staked once a discovery of a **locatable mineral** is made.

The General Mining Act of 1872 broadly opens the “public domain” to mining. The public domain consists of Federal lands owned by the Federal government since they became part of the United States, and which have never been set aside or withdrawn for a specific use. Lands dedicated for specific uses—such as national parks, national monuments, national wilderness areas, wild and scenic rivers, American Indian reservations, most reclamation projects, scientific test areas, and military reservations—are not subject to mineral entry and development. West of the Great Plains, lands managed by the U.S. Forest Service (USFS) or Bureau of Land Management (BLM), unless specifically designated by Congress as part of the National Wilderness Preservation System, are generally open to mining claims.

The Mining Law only addresses “locatable minerals.” The list of locatable minerals does not include fossil fuels such as petroleum and coal, or construction materials such as sand and gravel. Rights to extract such nonlocatable minerals are usually acquired through a competitive bidding process.

2. **Mine Operation** – This phase includes activities directly related to production of uranium ore from the underground mine, and transport of the ore offsite for mineral processing. Soils, rock, and ore would be stockpiled on the surface. Up to 4,000 gallons per minute (gpm) of water would initially be pumped from the mine and treated prior to discharge onto a nearby rancher's private property, where it would irrigate pastureland. Subsequent, long-term volumes of water pumped, treated, and discharged would likely be substantially less than the initial maximum of 4,000 gpm.
3. **Mine Reclamation** – This phase consists of activities intended to reclaim land affected by mine development and operation, and to return that land to an approved post-mining land use (grazing).

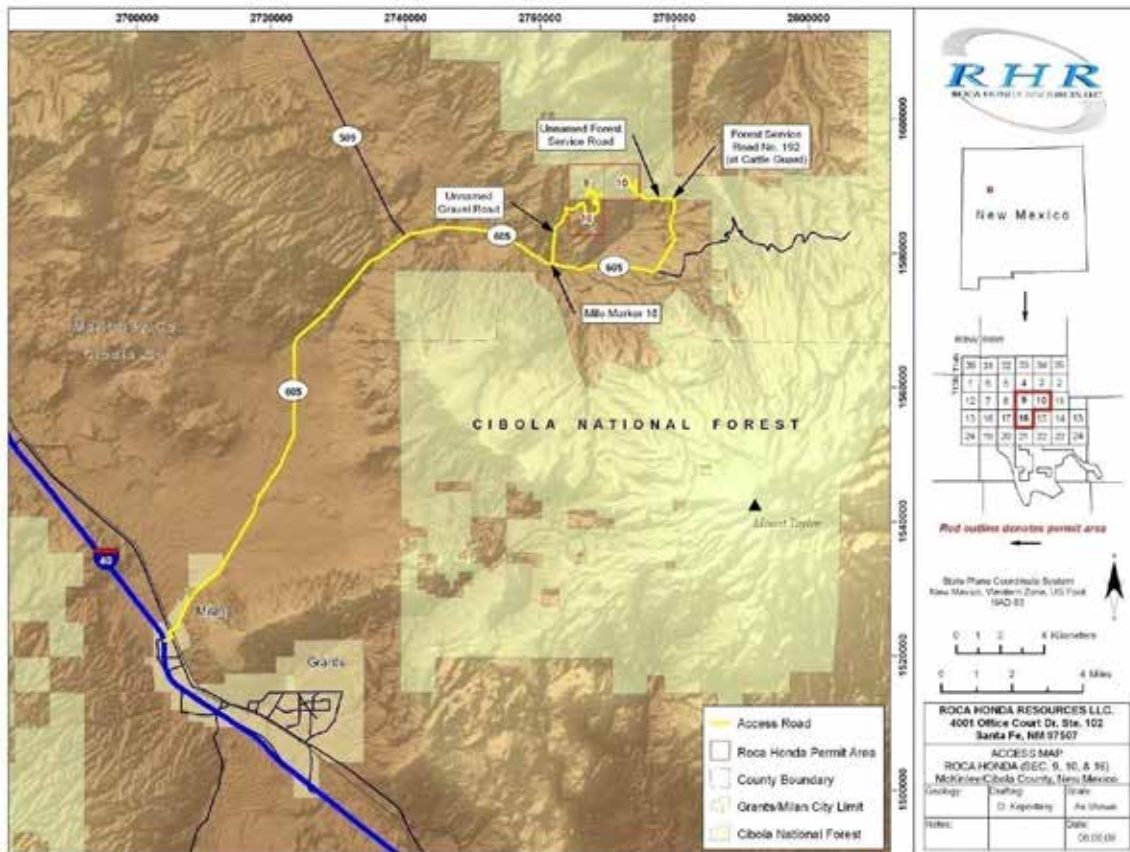


Figure 2. Proposed Roca Honda Mine permit area location map

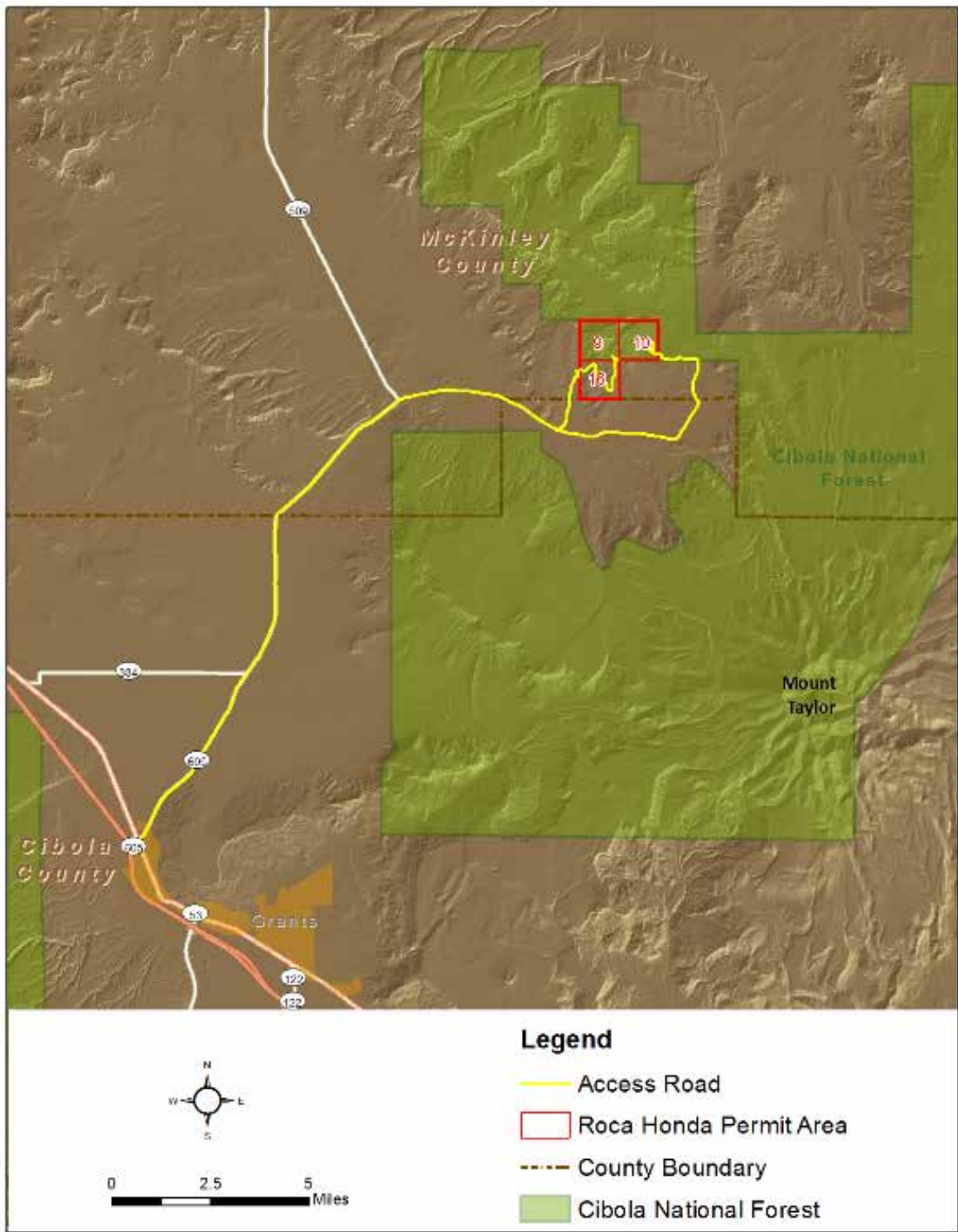


Figure 3. Vicinity map of the proposed Roca Honda Mine permit area

Also included in the proposed action is Forest Service approval of a project-specific forest plan amendment to allow the Roca Honda project to deviate from two specific forest plan standards of management with regard to historic properties. The “Cibola National Forest Land and Resource Management Plan” (USFS, 1985) guides decisions for how the Cibola National Forest and its resources will be managed. Among many other things, the plan lists standards for the treatment of historic properties on lands managed by the Cibola National Forest. These standards only apply to lands and resources managed by the Cibola National Forest such as those in Sections 9 and 10, and not to, for example, Section 16, which is managed by the New Mexico State Land Office. Two of these standards in particular are applicable to the proposed action and its potential for impacts on historic properties:

- Standard No. 4 states that historic properties “will be managed during the conduct of undertakings to achieve a “no effect” finding in consultation with the SHPO and the Advisory Council on Historic Preservation.” (USFS, 1985:63)
- Standard No. 5 addresses instances where resource management conflicts occur. It gives a list of conditions under which “preservation of cultural resources in place will be the preferred option.” These conditions include:

Where the cultural values derive primarily from qualities other than research potential, and where those values are fully realized only when the cultural remains exist undisturbed in their original context(s) (e.g., association with significant historical persons or events, special ethnic or religious values, or unique interpretive values). (USFS, 1985:63)

If the Forest Service selects either of the two action alternatives in this EIS, the Forest Service would approve a project-specific forest plan amendment to allow the Roca Honda Mine to deviate from these two forest plan standards of management with regard to historic properties. This amendment would only apply to the Roca Honda Mine project and only to the standards of management with regard to historic properties. The amendment would allow impacts to historic properties resulting from this project, in accordance with normally applicable law, e.g., Section 106 of the NHPA and 36 CFR Part 800.

Decision Framework

For the Cibola National Forest, the proposed Federal action is to (1) approve RHR’s plan of operations with reasonable mitigations needed to protect other nonmineral surface resources consistent with forest plan, regulations, and other applicable laws, and (2) approve a project-specific forest plan amendment to allow the Roca Honda project to deviate from the 1985 forest plan standards of management with regard to historic properties.

After publishing the final EIS (FEIS), the Cibola NF supervisor will sign and publish the record of decision (ROD). The forest supervisor will then approve a plan of operations. Only the approved plan of operations authorizes mining on the national forest. As noted earlier, the supervisor has the discretion to accept RHR’s plan as is, or require modifications to RHR’s plan of operations as needed to reasonably protect the surface resources and uses of the Cibola National Forest. The plan of operations will incorporate Forest Service mitigation measures identified through the EIS process and selected in the ROD.

Public Involvement

The notice of intent (NOI) was published in the Federal Register on November 24, 2010 (Vol. 75, No. 226, pp. 71668-71669). The NOI asked for public comment on the proposal from November 24, 2010, to January 14, 2011. In addition, as part of the public involvement process, the Agency held open house scoping meetings in Grants, New Mexico, on December 14, 2010, and Gallup, New Mexico, on December 16, 2010.

Notices advertising the scoping meetings were printed in the State's newspaper of record, the Albuquerque Journal, and local newspapers (Cibola Beacon in Grants and Gallup Independent in Gallup) in the preceding weeks. In addition, a project newsletter was distributed to agencies, nongovernmental organizations (NGOs), and interested parties. Also, a 30-second public service announcement (PSA) was aired on local radio stations for the week prior to and the week of the public scoping meetings.

The scoping process itself often involved face-to-face contact and one-on-one participation by stakeholders and members of the interested and affected public. The opportunity for this interaction and exchange came in the form of the two informal, open house style scoping meetings in Grants and Gallup. The Forest Service and the third party contractor then investigated substantive issues raised in scoping, conducted research and analysis, and drafted this EIS. Availability of the draft EIS (DEIS) is announced through public notice, including a notice of availability (NOA) in the Federal Register, letters to interested parties, and notices in the print and broadcast news media.

Tribal Consultation

The United States has a unique legal and political relationship with Native American (or American Indian) tribes as provided in the U.S. Constitution, various treaties, the Federal trust doctrine, and Federal statutes. These relationships extend to the Federal government's historic preservation activities, mandating that Federal consultation with Native American tribes be meaningful, in good faith, and conducted on a government-to-government basis (GSA, 2010).

Mandates for the Federal government's unique policies and relationship with Native American tribal governments are also codified in various Executive Orders and statutes, several of the most relevant of which are cited below:

- **Executive Memorandum Government-to-Government Relationship with Tribal Governments:** President George W. Bush issued this memorandum, recommitting the Federal government to work with Federally recognized Native American tribal governments on a government-to-government basis, and strongly supporting and respecting tribal sovereignty and self-determination.
- **Executive Order 13175 Consultation and Coordination with Indian Tribal Governments:** issued by President Bill Clinton in 2000, recognized tribal rights of self-government and tribal sovereignty, and affirmed and committed the Federal government to work with Native American tribal governments on a government-to-government basis.
- **Native American Graves Protection and Repatriation Act (NAGPRA):** provides a process for museums and Federal agencies to return certain Native American cultural items—human remains, funerary objects, sacred objects, and objects of cultural

patrimony—to lineal descendants, culturally affiliated Native American tribes, and Native Hawaiian organizations.

- **Archeological Resources Protection Act (ARPA):** requires Federal agencies to consult with tribal authorities before permitting archaeological excavations on tribal lands. It also mandates the confidentiality of information concerning the nature and location of archaeological resources, including tribal archaeological resources.
- **American Indian Religious Freedom Act (AIRFA):** passed in 1978, affirms a national policy to protect and preserve Native Americans' inherent right of freedom to believe, express, and exercise the traditional religions of indigenous America, including protecting and preserving access to sacred sites.
- **National Environmental Policy Act (NEPA):** calls for the Federal government to invite the participation of any affected Native American tribe in the environmental review process.
- **National Historic Preservation Act (NHPA):** enhanced Native American tribal roles in historic preservation by creating the Tribal Historic Preservation Officer (THPO) program. Obligates Federal agencies to consult with Native American tribal governments under Section 106 of NHPA (GSA, 2010).
- **Religious Freedom Restoration Act (RFRA):** limits the Federal government's ability to impose a substantial burden on the free exercise of religion. To substantially burden the free exercise of religion, there must be government coercion to act contrary to religious beliefs under the threat of civil or criminal sanction, or a condition on receipt of a government benefit on conduct that would violate religious beliefs.

The USDA has recently completed a review of Forest Service policies and procedures for accommodation and protection of American Indian and Alaska Native sacred sites within the Agency's multiple-use mission. The report of this review contains recommendations of how the USDA and Forest Service might improve the manner in which sacred sites are protected. The report has been provided to the USDA Secretary for his review and consideration.

Federal government agencies must consult with Native American tribes to identify traditional cultural properties (TCPs), sacred sites, or properties of religious or cultural significance. This consultation is government-to-government and, thus, the U.S. Forest Service must consult directly with the tribal governments.

Tribal leaders and Tribal Historic Preservation Officers (THPOs) received letters with similar information provided to the agencies as well as information on the Section 106 consultation process. Representatives from the Pueblo of Acoma, Pueblo of Laguna, and Pueblo of Zuni attended the public scoping meetings in December 2010. The Pueblo of Zuni, Hopi Tribe, and Pueblo of Acoma requested that they be a part of Section 106 consultation. In addition, the New Mexico Environmental Law Center, on behalf of the Multicultural Alliance for a Safe Environment ("MASE") requested that the Forest Service schedule additional meetings within nearby tribal and land grant communities.

In the context of the proposed action, eight tribes were invited to participate as consulting parties in the Section 106 Consultation process under the NHPA. These include the Acoma, Laguna, Jemez, and Sandia Pueblos, as well as the Zuni, Hopi, Navajo, and Jicarilla Apache Tribes. Each

of these tribes has an historic association with or spiritual connection to the Mt. Taylor area and/or the mountain itself.

Public Scoping Meetings

The Forest Service, Cibola National Forest and Grasslands, and the Mt. Taylor Ranger District conducted two public scoping meetings using an open house format. The first was held from 6 to 9 p.m. on Tuesday, December 14 in Grants at the Cibola County Convention Center on 515 West High Street; the second was held, also from 6 to 9 p.m., on Thursday, December 16 in Gallup at the McKinley County Courthouse on 207 West Hill Street. Figures 4 and 5 are photos from each open house meeting.



Figure 4. Open house scoping meeting in Grants, December 14, 2010



Figure 5. Open house scoping meeting in Gallup, Dec. 16, 2010

The purpose of the public scoping meetings was to provide the public with information regarding the proposed project, answer questions, identify concerns regarding the potential environmental impacts that may result from construction and operation of the project, and gather information to determine the scope of issues to be addressed in the EIS.

The open house format was used to encourage discussion and information sharing and to ensure that the public had opportunities to speak with representatives of the U.S. Forest Service, Cibola National Forest and Grasslands, Mt. Taylor Ranger District, State of New Mexico, and RHR. Several display stations with exhibits, maps, and other information materials were staffed by representatives of the Forest Service, MMD, New Mexico Environment Department, RHR, and third party consultant the Mangi Environmental Group. Posters and informational materials were provided at the meetings by RHR, along with staff to answer questions.

Comment forms were made available to all scoping meeting attendees to fill out then and there, to take home, fill out and send in, or to distribute to friends and other interested parties. Attendees were invited to write comments and questions directly on “Parallel Processes – NEPA/EIS and New Mexico Permit Reviews” posters taped to the walls and to a Cause-and-Effect-Questions diagram that depicted possible cause and effect linkages between actions and effects for the proposed mine.

Public Scoping Comments

A total of 272 comments were received during the scoping comment period, from 25 distinct commenters. Most commenters submitted multiple comments covering more than one topic. Public comments were submitted using letters and emails as well as comment forms distributed at the public scoping meetings. Responses included those made by private citizens, elected and tribal officials, government agencies, and entities and representatives of nongovernmental organizations.

In addition to the individual commenters, 480 form letters were submitted under one cover page in which all of the substantive comments were identical. These identical letters, each signed by a different stakeholder, addressed the range of potential environmental consequences caused by the proposed project, as well as questioning the purpose and need for the proposed project. As such, the form letter was counted as one commenter, though it included nine comments regarding various resources.

Following is a summary of issues identified through the scoping process which will be addressed in the EIS (table 1).

Table 1. Summary of scoping comments received on the proposed Roca Honda Mine EIS

Resource Area	No. of Commenters	No. of Comments	Summary of Issues
Water	19	45	Concern about project effects on water discharge and quality, groundwater, and water supply. Request that springs, seeps, and hydrological connections in the area be identified in EIS.
Vegetation	16	29	Concern about a comprehensive reclamation plan able to return the area to pre-mining conditions, the

Resource Area	No. of Commenters	No. of Comments	Summary of Issues
			introduction of noxious weeds, and off-highway vehicle (OHV) uses damaging vegetation.
Wildlife	17	25	Request for the project to examine what effect the proposed mine may have on wildlife habitats and ecosystems.
Threatened and Endangered Species	2	4	Requests that project comply with Endangered Species Act and the Bald and Golden Eagle Protection Act; and address State threatened and endangered species.
Land Use	10	14	Concern that the area is roadless and the project would necessitate change in use, as well as the impact to geological formations.
Recreation	3	3	Request to protect habitat for recreational uses. Concern that project may promote irresponsible OHV use.
Environmental Justice	11	21	Historical impacts from uranium mining on Native Americans need to be considered.
Socioeconomics	15	24	There was a request for the project to examine what effect the proposed mine may have on range livestock, timber harvest, and other economic factors. Several commenters noted that the project would provide employment and economic benefits to community, while others noted that there may also be negative impacts caused by the proposed mining project.
Cultural and Historic	12	26	Potential impact to Mt. Taylor as a traditional cultural property and sacred site, and the cultural and natural resources within it. Potential impacts to archaeological sites. Preference to protect the area as a cultural resource under the National Register of Historic Places. Request that the EIS identify specific cultural attributes of the site and project effects to the area as a cultural site.
Transportation	8	8	Safety concerns of transporting uranium offsite and environmental effects of constructing project roads.
Human Health and Safety	13	20	Some commenters noted that uranium mining was a health and safety risk. There were concerns about cumulative effects from historical uranium mining.
Cumulative Impacts	14	27	Request for an examination of all past, present, and future uranium mining projects on all environmental resources.
Proposed Action	9	12	Many commenters support the no action alternative for the proposed mine.
Regulatory Compliance	14	14	Requests that project comply with regulations and permitting requirements.
Total	25*	272	

*This figure is not a sum of the previous figures in the same column; the total of number of commenters was 25, but most submitted many comments, hence the greater number of comments than commenters.

Future Opportunities for Public Involvement

The DEIS will be made available to the public for a 60-day comment period, during which time public meetings will be held in Grants and Gallup to accept comments on the adequacy of the DEIS in correctly identifying potential impacts of the proposed uranium mine. The Forest Service will respond to all written comments received during the DEIS comment period. The “Response to Comments” will be included in the FEIS.

Issues

Using the comments from the public, other agencies, and tribes, and internal scoping, the interdisciplinary team developed a list of issues to address.

The Forest Service separated the issues into two groups: significant and nonsignificant issues. Significant issues were defined as those directly or indirectly caused by implementing the proposed action. Nonsignificant issues were identified as those: (1) outside the scope of the proposed action; (2) already decided by law, regulation, forest plan, or other higher level decision; (3) irrelevant to the decision to be made; or (4) conjectural and not supported by scientific or factual evidence. The Council on Environmental Quality (CEQ) NEPA regulations explain this delineation in Sec. 1501.7, “...identify and eliminate from detailed study the issues which are not significant or which have been covered by prior environmental review (Sec. 1506.3)...” As for significant issues, the Forest Service identified the following issues during scoping.

Geology and Soils

Proper management of soils is essential both in preventing and reducing erosion during the operation of the proposed mine, as well as in the ultimate success of reclamation measures once the mine ceases operation. While no comments from agencies, tribes, or the public directly addressed geology and soils, reclamation was mentioned indirectly and during internal scoping, Forest Service staff decided to cover this topic.

The main indicators used to measure and compare impacts to soils between the alternatives are the size of the area or footprint of ground disturbance associated with each alternative, erosion (e.g., gullyng) and sedimentation during and after the project, and the ability of soils to support planned future vegetative restoration and land uses.

Water Resources

Forty-five comments were received regarding water resources, mainly focused on the proposed project’s effects to water quality, groundwater resources, and water supply. Several comments were made relative to the effects of exploration and road use on watershed and downstream land areas. In addition, some comments were made regarding the contamination of water resources, and how treated and discharged waters would impact surface waters, springs, seeps, and aquifers. Concern was also expressed regarding the scarcity of water in the watershed and that the water supply could, thus, be impacted by mine dewatering. It was requested that springs and hydrological connections in the area be identified in the EIS, and that all draft studies—such as the groundwater modeling study—be disclosed early and fully for review prior to publication of the draft and final EIS.

The main indicators used to measure and compare impacts to surface and groundwater between the alternatives are water quality parameters, changes to flows at springs and wells, and any changes to surface flows.

Vegetation

Twenty-nine comments were received regarding potential impacts to plant species used by Native people for cultural, ceremonial, and medicinal purposes. Three Native American tribal governments recommended that the project be altered so as to not affect these plant species; or that the no action alternative be implemented to avoid disturbance altogether. It was suggested RHR reconsider grazing as the post-mining land use; that the project area should instead be returned to conditions suitable for carrying out traditional cultural activities, such as plant gathering. Some commenters expressed concern about a comprehensive reclamation plan for the project, citing impacts of past mining activities which lacked adequate restoration.

Comments also included concerns that increased vehicle use—due to mining activities—would aid in the potential spread of noxious weeds. It was suggested that mining operations include inspections and equipment cleaning in order to avoid the introduction of noxious weeds into new areas. Disturbed soils and gravel piles were also noted as potential sites for weed colonization and it was suggested that the piles be stabilized to prevent the spread of noxious weeds. It was also recommended that trained weed control work crews inspect roadways and adjacent land to help eliminate noxious weeds.

Additional concerns expressed that improving roads in the area would encourage unauthorized off-highway vehicle (OHV) use which may result in the degradation of ecosystems. It was, thus, recommended that the Forest Service manage, monitor, and enforce control of OHV use.

The main indicators used to measure and compare impacts to vegetation between the alternatives are the size of the area or footprint of disturbance and vegetation clearing associated with each alternative and the ability to restore desired vegetation during and after reclamation.

Wildlife

Twenty-five comments were received regarding wildlife, mostly expressing concern of the potential impacts to wildlife and wildlife habitats for common species in the area during mining operations. Some commenters suggested that the proposed project avoid potential impacts to State or federally protected species and habitats.

The main indicators used to measure and compare impacts to wildlife between the alternatives are the size of the area of habitat disturbance and fragmentation associated with each alternative and wildlife abundance and diversity during and after the proposed project.

Threatened and Endangered Species

Four comments were received regarding threatened and endangered species. The commenters suggested that the EIS process should include consultation with the U.S. Fish and Wildlife Service to ensure that the project be in compliance with the Endangered Species Act and with the current policies for the implementation of the Bald and Golden Eagle Protection Act. It was suggested that the proposed project avoid impacts to the State endangered wrinkled marshsnail

(*Stagnicola caperata*) and the State threatened spotted bat (*Euderma macalatum*), since the project area is considered suitable habitat for both.

The main indicators used to measure and compare impacts to threatened and endangered species between the alternatives are the area of habitat disturbance and fragmentation, likely presence/absence of the species in question, and the likelihood of particular actions and activities that might pose a threat.

Land Use

Fourteen comments were received addressing land use, recommending greater protection for roadless areas. It was stated that the Forest Service has authority to enforce the 2005 Roadless Rule when considering impacts caused by transportation activities from the proposed mining project. Concerns were expressed about opening access to the area by off-road vehicles, as well as loss of existing land uses such as grazing and hunting for the duration of the project. The need to comply with the “Cibola National Forest Land and Resource Management Plan” (LRMP) was also emphasized.

The main indicators used to measure and compare impacts to land use between the alternatives are any qualitative or quantitative changes to land uses on the mine permit area itself (Sections 9, 10, and 16) as well as on surrounding areas.

Recreation

Three comments were received with regard to recreation activities and their effect on the habitat, suggesting that the proposed mining operations would allow easier accessibility to the area for OHVs, which could be problematic for soils, vegetation, and wildlife.

The main indicators used to measure and compare impacts to recreation between the alternatives are any qualitative or quantitative changes to recreation, in particular OHV use, on nearby lands.

Environmental Justice

Twenty-one comments were received regarding environmental justice (EJ), expressing that legacy uranium mining impacts need to be considered for local Native American communities, including downstream and downwind communities. Substantive comments from the Hopi Tribe, the Pueblo of Zuni, and the Pueblo of Acoma regarded recognition of their local and cultural issues and Mt. Taylor as a traditional cultural property.

It was recommended that an extensive number of alternatives, including the no action alternative, should address potentially disproportionate impacts to historically low income and minority communities, historic and cumulative environmental impacts from previous uranium mining, and the irreparable impacts to traditional cultures.

The main indicators used to measure and compare impacts to environmental justice between the alternatives are whether concentrations of minority and/or low-income populations occur within the area, and whether the health and/or economic circumstances of these populations would be disproportionately impacted.

Socioeconomics

Twenty-four comments were received regarding socioeconomics, requesting that the EIS examine the potential direct, indirect, and cumulative, social and economic impacts from the proposed project. The Roca Honda Mine would represent a tangible increase in economic activity for a depressed region, with both direct and indirect effects on jobs, income, and tax revenues. Several comments observed the costs and benefits of the proposed project, whereby the benefits may fall short when compared to the environmental costs; others noted the much needed employment and economic benefits to the local communities, the county, and the State of New Mexico. However, it was pointed out that the social impacts of bust-and-boom economic cycles associated with mining towns should be evaluated. It was also pointed out that mine reclamation would also create jobs, as would investment in renewable, clean energy in solar, wind, and hydrothermal technologies.

Bonding and financial assurance was requested to ensure that reclamation be completed in the event of site abandonment (as has been seen in the past) and also for emergencies such as flood events that are common in this locale.

The main indicators used to measure and compare impacts related to socioeconomics between the alternatives are predicted changes to employment, income, and tax revenues in Cibola and McKinley Counties.

Cultural and Historic Resources

Twenty-six comments were received expressing opposition to the proposed mining operations because of specific cultural, historic, and archaeological resources. Commenters expressed concern that the proposed project would impact lands considered historically significant (within Mt. Taylor Traditional Cultural Property designation) and eligible for the National Register of Historic Places, and that mining activities would interfere with ongoing cultural activities conducted on Mt. Taylor. Commenters also requested the protection of cultural resources in the area, and that the EIS identify specific cultural attributes of the site and potential effects to the area. One tribe requested notification if cultural resources (including human remains) are recovered during construction.

More specifically, the Hopi Tribe claimed cultural affiliation to the Paleoindian, Archaic, and Anasazi prehistoric cultural groups on the Mt. Taylor Ranger District; archaeological sites of their ancestors are considered “footprints” and traditional cultural properties. The Hopi Tribe requested that the identification of cultural resources include a traditional cultural properties study of the project area that may identify contributing cultural elements of the Mt. Taylor Traditional Cultural Property.

Laguna Pueblo’s scoping comments also assert cultural affiliation to the prehistoric cultural groups that occupied the area. Their letter states that the opening of the mine will affect the Mt. Taylor TCP and will adversely affect National Register prehistoric sites within the TCP.

The Pueblo of Zuni similarly expressed concern for potential archaeological sites located within the proposed underground uranium mining area, since Mt. Taylor—“like any other living being”—can be harmed, injured, and hurt when cut, gouged, or otherwise mistreated. As such, it was requested that Mt. Taylor be protected. From a Zuni perspective, all shrines, plants, animals, and minerals are of religious significance.

The Pueblo of Acoma also expressed concern regarding cultural preservation and restoration concerns, the proposed development having the potential to erase or destroy pieces of their history for future generations, since paths of migration and settlement are contained within the landscape and not in books.

The main indicators used to measure and compare impacts to cultural and historic resources between the alternatives are the number of affected historic properties, in particular those eligible for the National Register of Historic Places, ethnographic resources as identified by affected tribes, and overall effects, including visual, on the Mt. Taylor Traditional Cultural Property (TCP).

Transportation

Eight comments were received regarding transportation, specifically as it relates to the safety of transporting uranium ore and other hazardous materials offsite and through communities. Commenters requested a thorough risk analysis of radiation exposure and contamination of resources resulting from the transport of hazardous materials. Development of new roads for the project was noted as having a significant impact on the environment.

The main indicators used to measure and compare impacts related to transportation between the alternatives are predicted conditions of roads and projected traffic levels and predicted exposure of the public to radioactivity during the hauling of uranium ore from mine to mill.

Human Health and Safety

Twenty comments were received expressing concerns over human health and safety. Commenters expressed concern for the detrimental effects to public health and to the communities downstream and downwind of the proposed mine from contaminated groundwater. Some comments focused on health and safety issues suffered by community residents and miners from historical mining activities. It was recommended that a hazardous materials plan be developed to address the release of hazardous materials—such as fuel, solvents, radon gas, and uranium dust—or other toxic materials which may leach into intermittent streams or drainages.

It was further recommended that the large numbers of Radiation Environmental Compensation Act recipients be included in the EIS.

The main indicators used to measure whether impacts to human health and safety can be remedied by implementing the alternative action or mitigation measures are predicted changes to traffic safety, predicted noise levels, levels of real and perceived exposure to environmental contaminants, and predicted impacts stemming from employment and in-migrating workers.

Air Quality

Both during construction and operation of the proposed mine, there is some potential for localized air pollution. During the construction phase, fugitive dust emissions could occur from access road construction, ground disturbance, piles of excavated earth, and movement of workers' vehicles and heavy equipment along unpaved roads as well as off-road. Also during construction, tailpipe emissions of certain criteria air pollutants (e.g., nitrogen dioxide, carbon monoxide, particulates) would occur from both heavy construction equipment and workers' vehicles. During the mine's

operation, there could be fugitive dust emissions from stockpiles of soil, ore, and nonore. Some of these dust particles could contain somewhat elevated concentrations of uranium and other heavy metals and radioactive elements, i.e., naturally occurring substances that emit ionizing radiation or particles. In addition, radioactive radon gas may be vented and dispersed from the mine ventilation shafts as part of the mine's ventilation and safety apparatus. The ventilation system aims to maintain fresh air and low radon levels and, thus, safe working conditions in the air space within the active mine itself, minimizing worker exposure to this radioactive gas.

The main indicators used to measure and compare impacts to air quality between the alternatives are predicted emissions of criteria pollutants during construction and operation and the National Ambient Air Quality Standards.

Visual Resources

Protecting its visual resources is a priority of the Cibola National Forest. The proposed action would place a number of large, conspicuous facilities on national forest land and would, therefore, impact visual resources.

The main indicator used to measure and compare impacts to visual resources is the U.S. Forest Service's Scenery Management System and its scenic attractiveness classes.

Tribal Scoping Issues

As described earlier, the Forest Service retains a unique trust relationship with American Indian tribes who have concerns about the proposed RHR uranium mine. During the scoping period, four tribes submitted letters to the Forest Service in response to the notice of intent. These four tribes include the Pueblos of Acoma, Laguna, and Zuni, and the Hopi Tribe. Concerns about the proposed project and related issues as expressed in these letters included many topics, as described here. The letters reiterated the Forest Service's Federal trust responsibilities regarding land, water, and cultural resources of the tribes, and the importance of meaningful consultation with tribes during the preparation of the EIS.

The tribes expressed concerns about the potential impact of the project on aquifers from proposed dewatering activities, specifically about changes to groundwater flows, changes to connectivity between aquifers, impacts to the watershed, and associated impacts to other natural resources such as plants and animals. They are also concerned about impacts to water quality, specifically mentioning potential regional groundwater contamination, contamination of local shallow alluvial aquifers, contamination of land and resources from the discharge of treated mine water, and contamination of aquifers from backfilling shafts and caverns with contaminated waste materials.

The tribes expressed considerable concern about the potential impacts to Mt. Taylor, which is an important cultural place to many southwestern tribes. The concerns expressed included effects to the physical integrity of Mt. Taylor as a traditional cultural property, as a sacred site, and as a living sacred entity. Other related concerns included potential impacts to shrines, archaeological resources that are evidence of tribal history, other resources imbued with traditional cultural importance such as water, plants, animals, herbs, minerals, pigments, and feathers, and effects to their spiritual connection to the mountain and their ability to conduct traditional ceremonies, rituals, and other practices that continue to be followed.

The tribes are also concerned about the potential effects to human health from exposure to radiation and hazardous materials, both for workers and the public. These potential impacts are seen to arise from stockpiling of overburden and ore at the mine facility, and from transportation of ore through populated areas, including across tribal lands.

Scoping comments provided by the tribes repeatedly emphasized the importance of considering legacy impacts from previous mines and mills in the region when determining the cumulative impacts of the proposed project on groundwater flows, water quality, air quality, soil contamination, human health, and cultural resources and practices, specifically relating to Mt. Taylor as a traditional cultural property and sacred site. The tribes expressed concern that these cumulative impacts be included in the discussions of environmental justice to disclose the long-term legacy impacts on tribal communities that seem evident to them from legacy mining and milling in the region.

Other Related Efforts

In an effort to reduce duplication and redundancy, several New Mexico governmental agencies that have jurisdiction over State resources potentially affected by the proposed uranium mine are collaborating closely with the Forest Service in the analysis of its potential impacts. Concurrently, the New Mexico Mining and Minerals Division (MMD) of the New Mexico Energy, Minerals and Natural Resources Department is conducting an environmental evaluation (EE) of the permit application package (PAP) it has received from RHR. The New Mexico Environmental Department (NMED) is reviewing an application for a discharge permit (DP). The State Engineers Office is deciding whether or not the proposed Roca Honda Mine would need a water right to account for use of produced water. The New Mexico State Land Office (SLO) is reviewing the proposed action because of its partial location on State lands.

The institutions and agencies involved with the proposed action in some manner—either with this EIS or with other Federal and state permitting or review processes—are described briefly below.

Applicant

Roca Honda Resources, LLC, the applicant for the proposed Roca Honda Uranium Mine project, is a joint venture between Strathmore Resources (U.S.), Ltd. (60 percent) and Sumitomo Corporation (40 percent). Strathmore is a Canadian-based resource company specializing in the strategic acquisition, exploration, and development of advanced uranium properties in the United States. Headquartered in Vancouver, British Columbia, Canada, with a branch administrative office in Kelowna, B.C., the company also has a U.S.-based Development Office in Riverton, Wyoming and a Government, Regulatory & Environmental Affairs Office in Santa Fe, New Mexico. Sumitomo is one of Japan's largest integrated trading and investment business enterprises (SCOA, no date).

U.S. Forest Service

Established in 1905, the Forest Service is an agency within the U.S. Department of Agriculture (USDA). Nationally, the Forest Service manages some 193 million acres of public lands in national forests and grasslands, an area equivalent in size to the



State of Texas. The Forest Service mission is to sustain the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations (USFS, 2010a).

The Cibola National Forest and National Grasslands are located in New Mexico, Texas, and Oklahoma (figure 6). They are part of the Southwestern Region of the Forest Service, headquartered in Albuquerque, NM. The Southwestern Region contains 22.3 million acres of national forests and grasslands on 11 national forests and 3 national grasslands in Arizona, New Mexico, Texas, and Oklahoma. This is a highly diverse region geographically, ranging from Arizona's lower Sonoran Desert with an elevation of 1,600 feet above sea level and an annual rainfall of just 8 inches to New Mexico's 13,171-foot Wheeler Peak (highest point in the State) and over 35 inches of precipitation a year in northern New Mexico (USFS, Southwestern Region, no date).

Cibola National Forest (NF) includes more than 1.6 million acres in New Mexico, while the Cibola National Grasslands cover 263,954 acres in northeastern New Mexico, western Oklahoma, and northern Texas. Elevations on the Cibola NF range from 5,000 feet to over 11,300 feet and the forest includes four congressionally designated wilderness areas—Sandia Mountain, Manzano Mountain, Withington, and Apache Kid (Cibola NF, no date).

As indicated above, the proposed action is located on the Mt. Taylor District of the Cibola NF. This district includes two principal mountain ranges, Mt. Taylor (figures 7 and 8) and the Zuni Mountains, comprising nearly 520,000 acres of national forest land. Elevations range from 6,500 to 11,301 feet msl. As will be discussed in depth in chapter 3 of the EIS, Mt. Taylor is an area of special religious and cultural significance to several Native American communities in the vicinity. Mt. Taylor and the Zuni Mountains also contain historic resources including many historic sawmills and logging communities.

With regard to the proposed Roca Honda Mine, the Cibola National Forest supervisor will use the EIS process to develop the necessary information to make an informed decision on whether or not to approve the proposed plan as submitted, or to decide what additional mitigations are needed to protect other resources, as provided for in 36 CFR 228.8. Furthermore, the forest supervisor will use the EIS findings to decide whether to approve a project-specific forest plan amendment that would allow the Roca Honda Mine to deviate from two 1985 forest plan standards of management with regard to historic properties.

The Forest Service has the discretion to accept or require modifications to RHR's plan of operations as needed to reasonably protect the surface resources and uses of the Cibola National Forest. As part of this approval process, the forest supervisor must comply with the National Environmental Policy Act (NEPA) of 1969, the National Forest Management Act of 1976, the Forest Land Policy and Management Act of 1976, the U.S. Mining Law of 1872 as amended, the National Historic Preservation Act of 1966 as amended, and other applicable statutes, regulations, Executive Orders, and the Forest Service Manual and Handbook direction before any action by RHR can proceed. Collectively, these requirements are known as the applicable legal requirements.

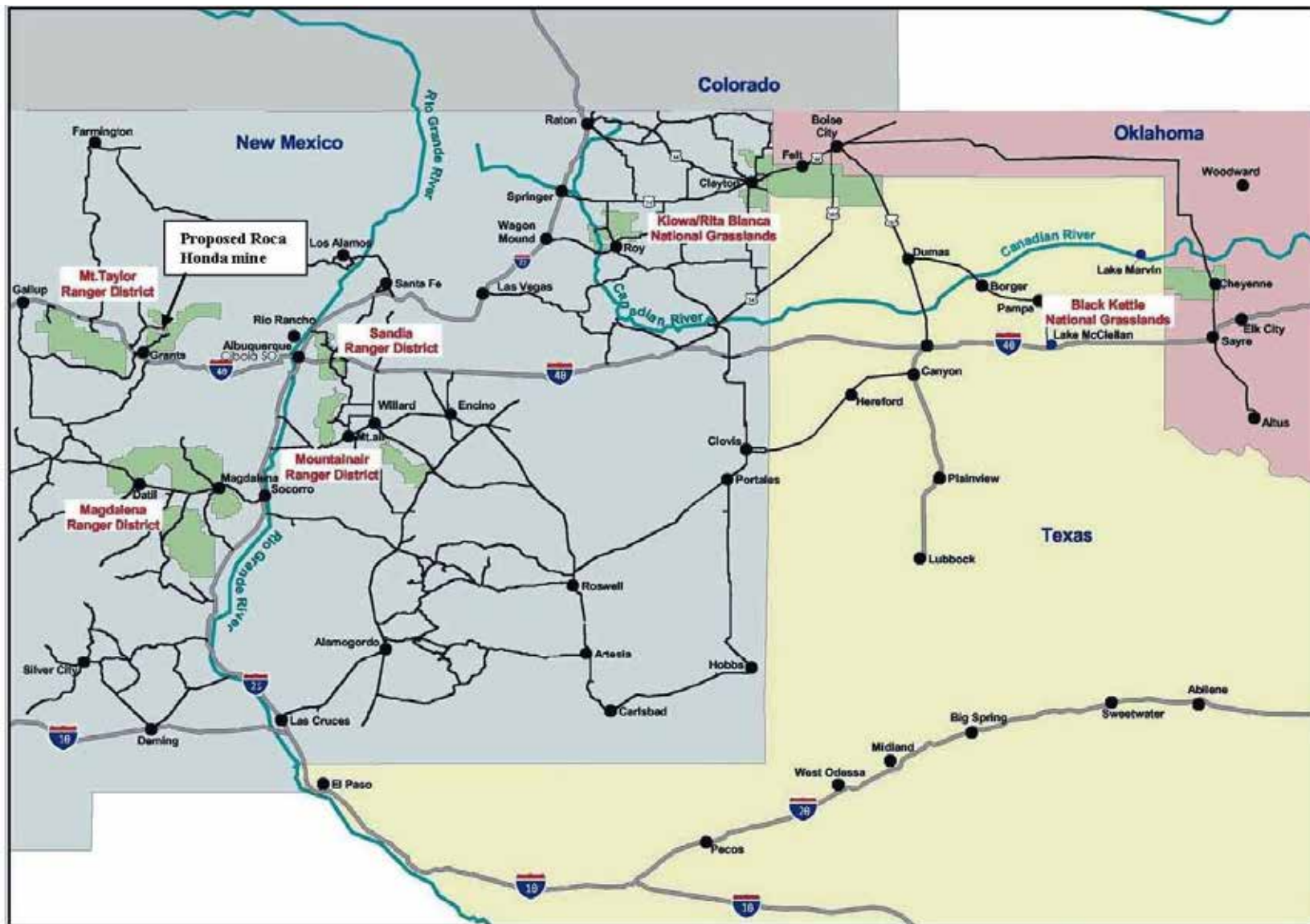


Figure 6. Cibola National Forest and Grasslands vicinity map



Figure 7. Mt. Taylor from Acoma Pueblo 20 miles to the south



Figure 8. Looking southeast from the project site toward Mt. Taylor

U.S. Environmental Protection Agency

The mission of the U.S. Environmental Protection Agency (EPA) is to protect human health and the environment. To accomplish this mission, the EPA develops and enforces regulations, provides grants, studies environmental issues, sponsors partnerships, teaches people about the environment, and publishes information (USEPA, 2010a).



Among the multiple responsibilities of EPA is the protection of the Nation's waters and wetlands under the Clean Water Act (CWA). In addition, with regard to NEPA, EPA reviews and comments on EISs prepared by other Federal agencies, maintains a national filing system for all EISs, and assures that its own actions comply with NEPA (USEPA, 2010b).

The proposed action is located with Region 6 of EPA, located in Dallas, Texas. Region 6 will be responsible for all of EPA's involvement and regulatory action on the proposed mine. Region 6 has also indicated that EPA will serve as a cooperating agency for the EIS.

U.S. Fish and Wildlife Service

The U.S. Fish and Wildlife Service (USFWS) is the primary Federal agency responsible for conserving, protecting, and enhancing America's fish and wildlife resources and their habitats. The mission of the USFWS is "working with others to conserve, protect, and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people."



While the USFWS shares responsibilities for wildlife conservation with other Federal, state, tribal, and local entities, the USFWS has specific and primary responsibilities for endangered species, migratory birds, interjurisdictional fish, and certain marine mammals, as well as for lands and waters administered by the agency for the management and protection of these resources (e.g., National Wildlife Refuges). It also operates national fish hatcheries, fishery resource offices, and ecological services field stations. The USFWS enforces Federal wildlife laws; administers the Endangered Species Act; manages migratory bird populations; restores nationally significant fisheries; conserves and restores wildlife habitat, such as wetlands; and helps foreign governments with their conservation efforts (USFWS, 2009).

With regard to the proposed action, the Ecological Services Office of USFWS Region 2, based in Albuquerque, will primarily be involved in the evaluation of potential impacts to Federally threatened and endangered species through Section 7 of the Endangered Species Act of 1973. Under Section 7, the Forest Service may engage in formal or informal consultation with the USFWS and is responsible for preparation of a biological assessment (BA) evaluating potential effects of the proposed mine on federally listed species. The USFWS reviews the determinations as to effect reached in the BA and issues a biological opinion with its own determinations. Biological opinions may also include measures to avoid, reduce, or mitigate adverse effects.

New Mexico Environment Department

The New Mexico Environment Department (NMED) was established in 1991 under the provisions set forth in the Department of the Environment Act by the 40th New Mexico Legislature (NMED, 2011). NMED's mission is to provide the highest quality of life throughout the State by promoting a safe, clean and



productive environment. The agency is committed to promoting environmental awareness through open and direct communication and sound decisionmaking by carrying out departmental mandates and initiatives in a fair and consistent manner.

One of the Water Quality Program's goals is to protect the quality of New Mexico's ground and surface water through the issuance of permits and monitoring water quality. One of the objectives under this goal is to "increase the number of permitted facilities in compliance with groundwater discharge permit requirements." Strategies under this objective include:

- Ensure requirements of groundwater discharge permits are met by conducting inspections of permitted facilities.
- Document groundwater inspection and compliance reviews in database.
- Review and evaluate monitoring results submitted by permitted groundwater facilities to determine facilities are in compliance with their permits.

NMED conducts all of the permitting, spill response, abatement, and public participation activities for mining facilities in New Mexico, in accordance with the Water Quality Act NMSA 1978, 74-6-1 to 17 and the Water Quality Control Commission (WQCC) Regulations outlined in Title 20, Chapter 6, Part 2 of the New Mexico Administrative Code. In addition, the NMED participates in implementation of the New Mexico Mining Act and Non Coal Mining Regulations by reviewing and commenting on mine permits and closeout plans, coordinating environmental protection requirements at mine sites with MMD, and providing determinations that environmental standards will be met during operation and after closure of mining operations.

In order to begin operations and discharge of treated groundwater, the proposed uranium mine must be issued a discharge permit (DP) by NMED. Figure 9 shows the process NMED follows from the time it receives a permit application to issuing a DP. RHR has submitted a permit application to NMED for a DP.

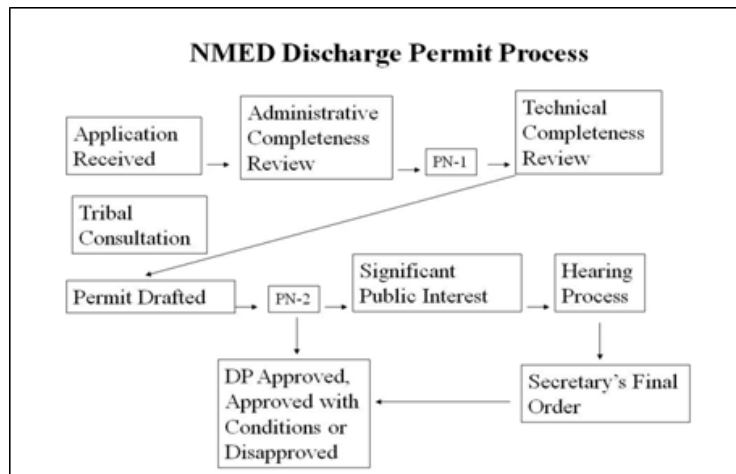


Figure 9. New Mexico Environment Department discharge permit process

New Mexico Mining and Minerals Division



The Mining and Minerals Division (MMD) is in the New Mexico Energy, Minerals and Natural Resources Department (EMNRD), which was created in 1987 through a merger between the Natural Resources Department and the Energy and Minerals Department. However, the various administrative components (divisions) of the department have been around well before 1987.

The mission of the department is to “position New Mexico as a national leader in the energy and natural resources areas for which the department is responsible.” Its vision is: “a New Mexico where individuals, agencies, and organizations work collaboratively on energy and natural resource management to ensure a sustainable environmental and economic future” (EMNRD, no date).

EMNRD includes divisions on Energy Conservation Management, Forestry, State Parks, MMD, Oil Conservation, and the Youth Conservation Corps. The New Mexico Department of Game and Fish is also administratively attached to EMNRD, but receives no direct budget support from it.

MMD’s mission is to promote the public trust by ensuring the responsible utilization, conservation, reclamation, and safeguarding of land and resources affected by mining. MMD pursues this mission via four major programs. The Abandoned Mine Land Program works with grants from the Federal government to identify, safeguard, and reclaim (pre-1977) abandoned mines that present a public safety hazard or environmental detriment. The Coal Mine Reclamation Program regulates, inspects, and enforces on all coal mines not on Indian reservations. Mining Act Reclamation Program regulates, inspects, and enforces on all hard rock or mineral mines. The Mine Registration Program registers all mines, collects production and employment data on active mining operations, distributes statistical information on New Mexico's mining industry, and acts as the division’s public information office (MMD, no date).

MMD administers New Mexico Administrative Code Title 19, Chapter 10, which recognizes the requirements of the New Mexico Mining Act. The purposes of this act (NMSA 1978 69-36-1 to 20) include promoting responsible utilization and reclamation of land affected by minerals exploration, mining, or the extraction of minerals that are vital to the welfare of the State.

RHR has submitted a permit application package (PAP) to MMD. The PAP consists of a Sampling and Analysis Plan (SAP), a Baseline Data Report (BDR), and a Mining Operations and Reclamation Plan (MORP). When these are deemed administratively and technically complete, MMD, with the assistance of the third party EIS contractor, conducts an environmental evaluation (EE). MMD then notifies the public that a draft EE has been prepared, and a public hearing is held if requested. The public may submit comments, which must be addressed by MMD. If necessary, the EE and PAP are modified, and a new mine permit approved or denied.

Per a 2010 memorandum of understanding (MOU) with the Forest Service, MMD will accept the final EIS to meet the requirements of the EE.

New Mexico State Land Office

The State Land Office (SLO) grew out of the Ferguson Act of 1898 of the Territorial Laws and Treaties of New Mexico. The Ferguson Act and subsequent Enabling Act of 1910 granted certain lands held by the Federal government to the Territory of New Mexico. The terms of these land grants stipulated that these 13.4 million acres were to be held in trust for the benefit of public

schools and other specified institutional beneficiaries. In addition to public schools, beneficiaries include the University of New Mexico, New Mexico State University, New Mexico Institute of Mining and Technology, New Mexico Military Institute, New Mexico School for the Blind and Visually Impaired, New Mexico School for the Deaf, Rio Grande Improvements, and others.

The Land Commissioner's mandate is to generate and maximize revenue from State trust lands in order to support the aforementioned public education and other beneficiary institutions, while at the same time protecting, conserving, and maintaining the lands for future generations. The Land Commissioner generates revenues for these designated public beneficiaries by leasing lands for grazing, agriculture, commercial use, oil and gas drilling, mining, and other surface and subsurface activities (SLO, no date).

The SLO's Minerals Program comprises activities and programs related to subsurface natural resources on State lands—oil, natural gas and minerals. The group has two divisions: the Oil, Gas, and Minerals Division and the Royalty Management Division. The former manages and evaluates nonrenewable resources, issues all mineral leases, administers the monthly oil and gas lease sales, processes and audits mineral royalty revenues, and administers leases for oil, natural gas, carbon dioxide, sand and gravel, caliche, coal, potash, salt, geothermal energy, and other minerals. The Royalty Management Division collects, processes, and audits oil and gas royalty revenues.

RHR's proposed facilities and operations on Section 16 are on State trust lands and, as such, would be subject to regulation and royalty management by the SLO.

New Mexico Office of the State Engineer

The Office of the State Engineer (OSE) is responsible for administering the State's water resources. The State Engineer has power over the supervision, measurement, appropriation, and distribution of all surface and groundwater in New Mexico, including streams and rivers that cross State boundaries. The State Engineer is also Secretary of the Interstate Stream Commission, which is charged with separate duties, including protecting New Mexico's right to water under eight interstate stream basins, ensuring the State complies with each of those basins, as well as water planning in New Mexico (OSE, 2005).



All water users in New Mexico must have a permit from the State Engineer. When evaluating an application for a new appropriation or to change the place and/or purpose of use of an existing water right, the State Engineer must determine (1) that water is available, (2) that the appropriation will not impair existing rights, (3) that the intended use meets State water conservation efforts, and (4) that the intended use is not detrimental to the public welfare. State water law also requires that the applicant publish the application in a newspaper and provide anyone with a legitimate objection the chance to protest the application (OSE, 2005).

RHR has applied to the OSE for a mine dewatering permit. The Pueblo of Acoma is a formal protestant in this process. OSE's review of the application is ongoing.

New Mexico Historic Preservation Division

The National Historic Preservation Act (NHPA) of 1966 established the position of State Historic Preservation Officer (SHPO) for each of the 50 states. NHPA also listed preservation-related tasks to be carried out by the SHPO, who is appointed by the governor, and his or her staff. The New Mexico Cultural Properties Act designates the director of the State's Historic Preservation Division (HPD) within the Department of Cultural Affairs as New Mexico's SHPO and lists a number of other preservation duties for the SHPO and staff. The division staff includes professional historians, archaeologists, architects and architectural historians, as well as administrative and financial support staff (HPD, 2003).



The SHPO's efforts and activities are overseen at the Federal level by the National Park Service (NPS), through which HPD receives funding from the National Historic Preservation Fund. At the State level, a number of HPD's activities are reviewed by the governor appointed, 7-member [Cultural Properties Review Committee \(CPRC\)](#), a board of preservation professionals from all parts of New Mexico. With staff support from HPD, the CPRC grants permits for archaeological surveys and excavations on State lands (such as those undertaken on Section 16 at the Roca Honda Mine site), places properties on the State Register of Cultural Properties, and makes recommendations for nomination to the National Register of Historic Places (NRHP). CPRC also reviews and approves State income tax credits for rehabilitation and stabilization of registered properties (HPD, 2003).

HPD is responsible for ensuring that projects carried out, sponsored, or approved by Federal agencies such as the Forest Service comply with Federal and State historic preservation laws. All Federal agencies are required to initiate consultation with the SHPO as part of the Section 106 review process as established in the NHPA. HPD reviews and comments on thousands of projects annually. The SHPO is heavily involved in the Section 106 consultation process for the proposed Roca Honda Mine.

Figure 10 depicts the Section 106 process. On Federal projects requiring substantial environmental review, such as the proposed Roca Honda Mine, the EIS process and the Section 106 process are conducted concurrently and interact extensively (figure 11).

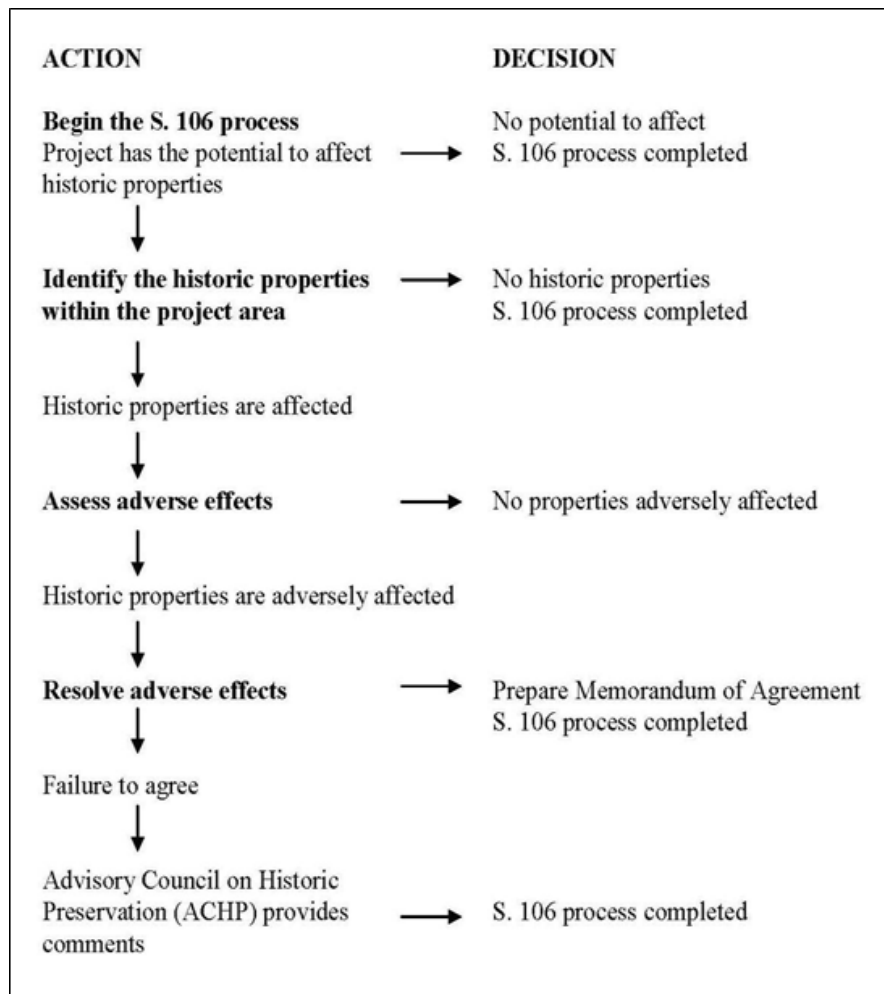


Figure 10. Flow chart of Section 106 review process

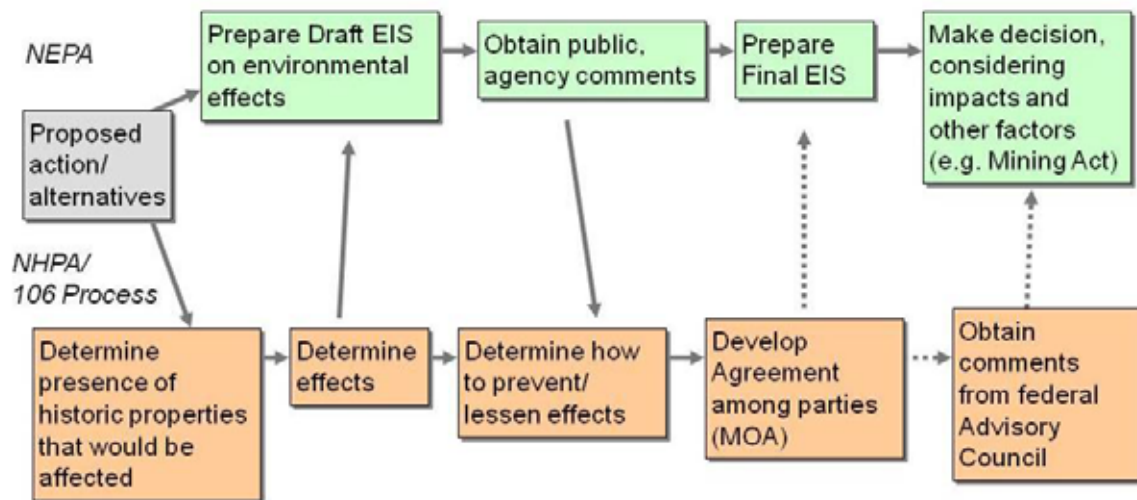


Figure 11. Parallel NEPA and Section 106 processes with points of interaction

New Mexico Department of Game and Fish

The mission of the New Mexico Department of Game and Fish (NMDGF) is “to provide and maintain an adequate supply of wildlife and fish within the State by utilizing a flexible management system that provides for their protection, conservation, regulation, propagation, and for their use as public recreation and food supply” (NMDGF, 2009).



Among the NMDGF’s goals are to:

- Provide a statewide system for hunting activities and self-sustaining and hatchery-supported fisheries that satisfies the participation expectations of New Mexico residents and takes into consideration hunter safety, quality hunts, high demand areas, guides and outfitters, quotas and local and financial interests.
- Provide information and technical guidance to hunters, anglers, appreciative wildlife interests, the Director and State Game Commission, and all persons or agencies that manage lands results in the conservation and enhancement of wildlife habitat and recovery of indigenous species of threatened or endangered wildlife.

According to the MOU described earlier, NMDGF is a cooperating agency in the current EIS.